

NOTICE OF APPLICATION FOR PROTECTIVE ORDER
THE STATE OF TEXAS

To: CHRIS MCCARTHY
157 COUNTY ROAD 1380
ALVORD TX 76225

RESPONDENT, GREETINGS:

WHEREAS, MATTHEW GIPSON, of the County of Wise State of Texas, did on September 24, 2024, file in the District Court of Wise County, Texas, the Amended Application for Protective Order, Affidavit in Support of Protective Order and Amended Temporary ExParte Order Protective Order all of which is more fully shown by true and correct copies attached hereto, in a suit numbered and styled

CV24-09-749
IN THE MATTER OF
DARCY ANNE GUSSE
AND
CHRIS MCCARTHY

on the Civil Docket of said Court, and alleges that the Respondent has engaged in conduct which constitutes family violence.

AND WHEREAS, the Honorable **Dana D. Manoushagian** Judge of said Court, has entered the following order, to-wit:
Amended Temporary ExParte Protective Order

AND WHEREAS, the said Application for Protective Order will be heard by the County Court at Law Number 2, located at 1007 13th Street in Bridgeport, Texas, on **October 08, 2024 at 1:00 PM.**

THESE ARE, THEREFORE, to require you to appear at the time and place as above stated, and answer said Application for Protective Order, showing cause, if any you can, why same should not be granted.

APPLICANT'S ATTORNEY OR APPLICANT

MATTHEW GIPSON
405 W WALNUT ST
DECATUR TX 76234

Issued and given under my hand and seal of said Court at Decatur, Texas, on this the 25th day of September, 2024
Lourecia Biggerstaff
Wise County District Clerk
P.O. Box 308
Decatur, TX 76234

By Hannah Huffman Deputy Clerk
Hannah Huffman



NOTICE: "An application for a protective order has been filed in the court stated in this notice alleging that you have committed family violence. You may employ an attorney to defend you against this allegation. You or your attorney may, but are not required to, file a written answer to the application. Any answer must be filed before the hearing on the application. If you receive this notice within 48 hours before the time set for the hearing, you may request the court to reschedule the hearing not later than 14 days after the date set for the hearing. If you do not attend the hearing, a default judgment may be taken and a protective order may be issued against you."

OFFICER'S RETURN

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____m. Executed at _____, 20____, by delivering to the within named _____, in person, a true copy of this process together with the accompanying copy of the instrument being served, having first attached such copy of such instrument to such copy of process and endorsed on such copy of process the date of delivery.

Not executed, the diligence used to execute being _____; for the following reason _____, defendant may be found _____.

SIGNATURE OF AUTHORIZED PERSON SERVING PROCESS

_____, COUNTY, TEXAS

BY _____ DEPUTY

Fee for serving this process \$ _____

Darcy Gusse § IN THE County Court of Law
APPLICANT §
VS. §
§
CHRIS MCCARTHY § OF Wise COUNTY, TEXAS
RESPONDENT §

AMENDED Application for Protective Order

1. Parties:

Darcy Gusse Wise
Applicant County of Residence
☒ Mark this box if you are completing and filing this application on behalf of the Applicant.
Matthew Gibson Attorney for Applicant
Name of Person Filing the Application Title of Person Filing the Application
CHRIS MCCARTHY
Respondent
Respondent's address for service: 157 COUNTY ROAD 1380, ALVORD, TX
76225

2. Reason(s) for Protective Order: (Mark all that apply)

- ☒ The Respondent committed family violence, dating violence, or child abuse.
☒ The Respondent committed sexual assault or abuse, indecent assault, indecency with a child, compelling prostitution, stalking, or trafficking.
☐ The Respondent violated a Protective Order that was active at the time of the violation but has since expired or will expire in 30 days or less. A copy of the Order is (Mark one)
☐ attached. ☐ not available now but will be filed before the hearing set for this Application.

3. Describe Applicant's Relationship to the Respondent: (Mark all that apply)

- | | |
|--|--|
| ☐ Current or former spouses | ☐ Parent or child of the Respondent |
| ☒ Current or former dating partners | ☐ Foster child or foster parent of the Respondent |
| ☐ Are or were members of the same family or household | ☐ Applicant is dating or married to Respondent's current or former spouse or dating partner |
| ☐ Parents of the same child(ren) | ☐ No relationship |
| ☐ Relatives | |

4. Children Under Age 18 Who Need Protection:

Name	Is Respondent the parent or guardian
a. _____	☐ Yes ☐ No
b. _____	☐ Yes ☐ No
c. _____	☐ Yes ☐ No
d. _____	☐ Yes ☐ No

Mark all that apply:

- ☐ Other children are listed on a sheet attached to this Application.
- ☐ The children are or were members of the Applicant's family or household.
- ☐ The children have a court order that affects how and when they can visit their family or sets child support.

5. Other Adults: The Applicant requests protection for the following adults who are or were: members of the Applicant's family or household; or in a marital or dating relationship with the Applicant.

Name
a. <u>[REDACTED]</u>
b. _____

6. Other Court Cases (other than criminal cases): Are there other court cases involving the Applicant, Respondent, or children?

☒ Yes ☐ No

(a) If "Yes," what kind of case and is the case active or complete?

CV22-09-635 - CV24-09-734 (County Court at Law #2)
(271st Judicial District Court)

(b) If "complete," (Mark all that apply): ☐ A copy of the final order of the other case is attached.
☐ A copy of the final order of the other case will be filed before the hearing on this Application.

(c) If the Texas Office of the Attorney General Child Support Division has been involved with a child support case: list the OAG case number for each open case, if known. Case Number: _____

7. Family Violence or Other Criminal Case(s): Has the Respondent ever been convicted of or placed on deferred adjudication community supervision for any crime under Title 5 or Title 6 of the Texas Penal Code? (See list of crimes at the end of the Instruction document)

☐ Yes ☐ No ☒ Unknown

If "Yes," what kind of crime:

- h. ☐ Not go to or within _____ yards of the residence, child-care facility, or school of the children listed in this application, except as specifically authorized in a possession schedule or other order entered by the Court.

Residence: _____

Child-care facilities: _____

School: _____

- i. ☒ Not to engage in conduct that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass any person who is listed in this application as a person seeking protection, or who is a member of the Applicant's family or household, including not tracking or monitoring the car or other property belonging to any person who is listed in this application as a person seeking protection, or who is a member of the Applicant's family or household, or by physically following or causing another to physically follow a person seeking protection or any member of the Applicant's family or household.

The Applicant further asks the Court to:

- j. ☒ Suspend the Respondent's license to carry a handgun.*
- k. ☒ Prohibit Respondent from possessing a firearm.*
- l. ☐ Require the Respondent to complete a battering intervention and prevention program.
- m. ☒ Prohibit the Respondent from taking, harming, threatening, or interfering with the care, custody, or control of the following pet, companion animal, or assistance animal: (describe the animal)
8 HORSES ON PROPERTY AND 4 DOGS (SCOOTER, DEXTER, COW GIRL LULU, ELLIE)
- n. ☒ Require the Respondent to do the following to prevent or reduce the likelihood of family violence or future harm to the Applicant or any person listed in this application as a person in need of protection.

Respondent is to NOT take the 2017 Ford F350, last 5 of VIN: 17490, registered and financed solely to Applicant; Respondent is to NOT take the keys to the 2017 Ford F350; Respondent is to NOT take the desktop computer that belongs to the Applicant

*NOTE: If the Respondent is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, the court may not suspend the Respondent's license to carry a handgun or prohibit the Respondent from possessing a firearm.

9. Property Orders: (Complete this section **only** if the Applicant shares, owns, or leases a residence with the Respondent)

The Residence located at:

157 COUNTY ROAD 1380, ALVORD, TX
ALSO → 1629 HUBBARD ST, ALVORD, TX

(Mark one):

- ☐ is jointly owned or leased by the Applicant and Respondent.
- ☒ is solely owned or leased by the Applicant.
- ☐ is solely owned or leased by the Respondent; and the Respondent is obligated to support the Applicant or a child in the Applicant's possession.

The Applicant asks the Court to make these orders about the residence: (Mark all that apply)

- ☒ Grant the Applicant exclusive use of the residence identified above, and order the Respondent to vacate the residence and its premises.

- ☒ Order a law enforcement officer: to go with the Applicant to the residence; to tell the Respondent that the Court has ordered the Respondent to vacate the residence; to provide protection to the Applicant while the Applicant takes possession of the residence or while the Respondent takes possession of the Respondent's personal property; and to arrest the Respondent if the Respondent refuses to leave in violation of the Order.
- ☐ Applicant requests exclusive use of the following property that the Applicant and Respondent jointly own or lease:

_____;

- ☒ Order the Respondent not to damage, transfer, encumber, or otherwise dispose of any property jointly owned or leased by the parties, including removing or disabling any vehicle owned or possessed by the Applicant or jointly owned or possessed by the parties.

10. ☐ Spousal Support Order (Mark the box if the Applicant is married to the Respondent and would like spousal support)

Applicant is married to the Respondent and requests the Court to order the Respondent to pay spousal support.

11. ☐ Rights to Mobile Phone Numbers, Associated Devices, and Accounts (Mark the box if asking to separate or transfer the wireless telephone account)

The Applicant asks the Court to order that the wireless telephone numbers that are used primarily by the Applicant or a person listed in this application as a person in need of protection be separated from the Respondent's wireless telephone service account. The Applicant asks for sole use, possession, and control of the following wireless telephone numbers and associated mobile devices, including sole billing responsibility and sole ownership of the mobile devices and wireless telephone service account associated with the wireless telephone numbers.

The Applicant further asks the Court to order the Respondent to pay the costs associated with transferring the wireless service account to the Applicant and the outstanding balance on the account.

The following wireless telephone numbers and associated mobile devices are used by the Applicant or the children listed in this Application.

_____	☐ my phone number	☐ child's phone number
_____	☐ my phone number	☐ child's phone number
_____	☐ my phone number	☐ child's phone number

(Sheet may be attached for additional numbers)

The Applicant asks the Court to prohibit Respondent from closing, limiting access to, or otherwise tampering with the wireless telephone service account associated with aforementioned mobile phone numbers and associated mobile devices until this Court determines who is the primary user of the mobile phone numbers and devices. Applicant also asks the Court to order the Respondent's wireless telephone service provider not to disclosure the Applicant's or other persons in need of protection contact information to the Respondent, including any new telephone numbers assigned to the Applicant or other person in need of protection.

If the Respondent was convicted or placed on community supervision for a Title 5 crime, did the Court make a finding that the crime involved family violence?

☐ Yes ☐ No ☒ Unknown

Was the crime against a child listed in this application?

☐ Yes ☒ No ☐ Unknown

Have the Respondent's parental rights to a child listed in this application been terminated?

☐ Yes ☒ No ☐ Unknown

If Respondent's parental rights have been terminated, has the Respondent contacted or attempted to contact the child?

☐ Yes ☒ No ☐ Unknown

8. Terms and Conditions of the Protective Order – Mark all terms and conditions that the Applicant wants the Court to include in the Temporary Ex Parte Order, if the Applicant is requesting one, and the final Protective Order.

The Applicant asks the Court to order the Respondent: (Mark all that apply)

- a. ☒ Not to commit family violence.
- b. ☒ Not to commit further acts of sexual assault or abuse, indecent assault, stalking, or trafficking.
- c. ☒ Not to communicate a threat through any person to any person who is listed in this application as a person seeking protection or who is a member of the Applicant's family or household.
- d. ☒ Not to communicate in a threatening or harassing manner with any person who is listed in this application as a person seeking protection or who is a member of the Applicant's family or household.
- e. ☒ Not to communicate or attempt to communicate in any manner with (Mark all that apply):

☒ Applicant ☐ children listed in this application ☐ other Adults listed in this application

except through Applicant's attorney or other person named by the Court, namely:

Matthew Gibson

Please explain why the court should prohibit direct communication from the Respondent:

(If necessary, attach sheet with additional information)

- f. ☒ Not go within 150 yards of the: (Mark all that apply)
☒ Applicant ☐ children listed in this application ☐ other Adults listed in this application

- g. ☒ Not go to or within 150 yards of the residence, workplace, or school of the: (Mark all that apply)
☒ Applicant ☐ children listed in this application ☐ other Adults listed in this application.

Residence: 157 COUNTY ROAD 1380, ALVORD, TX 75821

Workplace: 1629 S. HUBBARD ST. ALVORD TX

School: _____

12. ☐ **Orders Related to Removal, Possession, and Support of Children** (Mark the box if asking for the removal, possession, or support of the children)

The Applicant and the Respondent are the parents or guardians of the following children:

The Applicant asks the Court to enter the following orders with respect to the children: (Mark all that apply):

- ☐ The Respondent must not remove children from the Applicant's possession or from their child-care facility or school, except as specifically authorized in a possession schedule or other order entered by the Court.
- ☐ The Respondent must not remove the children from the jurisdiction of the Court.
- ☐ An order establishing or modifying a schedule for the Respondent's possession of the children, subject to any terms and conditions necessary for the safety of the Applicant or the children.
- ☐ An order requiring the Respondent to pay child support in an amount set by the Court.

13. ☒ **Temporary Ex Parte Order** (Mark the box if requesting a temporary ex parte order)

Based on the information in the attached Affidavit or Declaration, the Applicant asks the Court to find that there is a clear and present danger of family violence, sexual assault or abuse, indecent assault, stalking, trafficking, or other harm to Applicant and/or a member of the family or household and issue a Temporary Ex Parte Order immediately without bond, notice, or hearing.

13a. ☒ **Temporary Ex Parte Order That Also Requires Respondent to Vacate Residence Immediately**
(Mark the box if you are requesting that the temporary ex parte order also exclude Respondent from the shared residence)

**NOTE: IF YOU MARK 13a, YOU MUST APPEAR FOR A HEARING BEFORE THE COURT
CAN EXCLUDE OR REMOVE THE RESPONDENT FROM A SHARED RESIDENCE.**

The Applicant lives with the Respondent at:

157 COUNTY ROAD 1380 ALVORD, TX
1629 S. HUBBARD ST, ALVORD, TX

or resided there within the 30 days prior to the filing of this Application. The Respondent committed family violence against the Applicant, or a member of the family or household, as described in the Affidavit or Declaration attached, within 30 days prior to the filing of this Application. There is a clear and present danger that the Respondent is likely to commit family violence against the Applicant and/or a member of the family or household. The Applicant is available for a hearing to justify the issuance of an order excluding the Respondent from the residence. If the Court grants this request, the Applicant asks the Court to issue a Temporary Ex Parte Order that:

- Grants the Applicant exclusive use and possession of the residence and orders the Respondent to vacate the residence immediately and remain at least 200 yards away from the residence pending further Order of the Court.
- Directs the sheriff, constable, or chief of police to provide a law enforcement officer to accompany the Applicant to the residence; to inform the Respondent that the Court has ordered the Respondent to vacate the residence; and to protect the Applicant while the Applicant takes possession of the residence, or while the Applicant takes possession of the Applicant's necessary personal property if the Respondent refuses to vacate the residence.

14. ☒ Keep Information Confidential (Mark the box if you want your information to remain confidential)

The Applicant requests the Court to exclude the following information from the protective order: the mailing address, county of residence, and telephone number of the Applicant and any person listed in this application as a person in need of protection; and the address and telephone number of a place of employment, business, child-care facility, or school, if any, of the Applicant and any person listed in this application as a person in need of protection. The Applicant further asks the Court to order the clerk of the court to strike the aforementioned information from the public records of the Court and keep a confidential record of the information for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

WARNING: A copy of this application will be served on the Respondent and made available for public inspection. Marking Box No.14 means that you are asking the judge to remove your address and telephone numbers from the final order so the public cannot see this information. If you are requesting confidentiality, **DO NOT INCLUDE** personal information in this application or any other form related to your request.

If the Applicant is requesting confidentiality, provide the information requested below:

The Applicant asks the Court to designate the following person to receive on Applicant's behalf all notices and documents filed with the Court, if related to this Application:

Name: DARCY GUSSE
 Address: 157 COUNTY ROAD 1380, ALVORD, TX 76225
1629 HUBBARD ST, ALVORD, TX 76225

15. Citations and Notices

The Applicant asks the Court to issue all citations and notices required by law for the application and any resultant order.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the Applicant prays the Court issue the protective order as requested in this Application, and, if applicable, the Applicant further prays the Court issue a Temporary Ex Parte Order until a hearing can be held.

☒ I have read the entire Application and it is true and correct to the best of my knowledge.

Martinez Gomez

Applicant or Person filing on behalf of Applicant

Address and telephone number where Applicant or Person filing on behalf of Applicant may be contacted (List another address/telephone if you want yours kept confidential):

157 COUNTY ROAD 1380, ALVORD, TX 76225

P.O. BOX 81, ALVORD, TX 76225

940.366.1835 (CELL)

**NOTICE: THIS
DOCUMENT CONTAINS
SENSITIVE DATA**

Use this form if YOU WANT your Date of Birth
and Address to REMAIN CONFIDENTIAL.

You will need to have it signed BY A NOTARY.

Do NOT use the DECLARATION form if you
use this form.

AFFIDAVIT

County of WISE

State of Texas

My name is DARCY ANNE GUISSE (First Middle Last). I am 53
years old and otherwise competent to make this Affidavit. The information and events described in this
Affidavit are true and correct.

1. My relationship with Respondent is: EX GIRLFRIEND
2. Describe the most **recent time** the Respondent hurt or threatened to hurt you, including any conduct
involving sexual assault, stalking, or trafficking:
CURRENTLY STILL STALKING ME ON MY PROPERTY WITH CAMERAS
THAT I HAVE NO ACCESS TOO.
THREATENED TO "BURY" ME AND DESTROY ME FINANCIALLY
AIMED HIGH POWERED RIFLE AT MY CAMPER

- a. In what county did this happen? WISE
- b. On what date did this happen? / /
- c. Was a weapon involved? ☒ Yes ☐ No If yes, what kind?
HIGH POWERED RIFLE
- d. Does Respondent possess or have access to firearms? ☒ Yes ☐ No
- e. Were any of the children present? ☐ Yes ☒ No If yes, who?
- f. Did anyone call the police? ☐ Yes ☒ No If yes, what happened?
- g. Were you injured? ☐ Yes ☒ No If yes, describe your injuries:
- h. Did you seek medical care? ☐ Yes ☒ No

3. Has the Respondent threatened or hurt you **before**? ☒ Yes ☐ No
If so, describe below how the Respondent threatened or hurt you, including date(s) if possible.

THAT I HAVE NO ACCESS TOO. (cameras)
THREATENED TO "BURY" ME AND DESTROY ME FINANCIALLY
AIMED HIGH POWERED RIFLE AT MY CAMPER

a. Were weapons ever involved? ☒ Yes ☐ No If yes, what kind?

Rifle

b. Were the children present? ☐ Yes ☒ No If yes, who?

c. Did anyone report the conduct to the police? ☐ Yes ☒ No

d. Were you injured? ☐ Yes ☒ No If yes, describe your injuries:

e. Did you seek medical care? ☐ Yes ☒ No

4. Has the Respondent ever been convicted of family violence? ☐ Yes ☒ No

If yes, list when and in which county and state the conviction(s) occurred:

5. Has the Respondent ever been convicted or placed on deferred adjudication community supervision for any of the following:

Trafficking of Persons	☐ Yes	☒ No	☐ Unknown
Continuous Trafficking of Persons	☐ Yes	☒ No	☐ Unknown
Sexual Assault	☐ Yes	☒ No	☐ Unknown
Indecent Assault	☐ Yes	☒ No	☐ Unknown
Aggravated Sexual Assault	☐ Yes	☒ No	☐ Unknown
Stalking	☐ Yes	☒ No	☐ Unknown
Compelling Prostitution	☐ Yes	☒ No	☐ Unknown

If yes, list when and in which county and state the conviction(s) occurred:

6. Are you requesting exclusive possession of a residence and to have the Respondent excluded from the residence? ☒ Yes ☐ No

a. What is the location of the residence? 157 COUNTY ROAD 1380, ALVORD, TX 76225

b. Do you currently reside at the residence or have resided there within the last 30 days?

☒ Yes ☐ No

c. Please describe the facts and circumstances that require the Respondent to be excluded from the residence:

HE HAS THREATENED ME AND BEEN STALKING ME
AND PUT ME IN FEAR OF IMMINENT SERIOUS
PHYSICAL INJURY.

HE HAS THREATENED TO SHOOT MY DOGS AND FIRED SHOTS
AT MY DOGS.

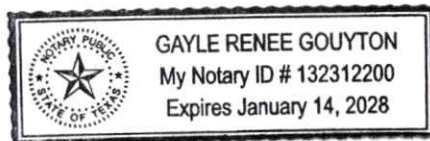
On 9/14/24 the Applicant Dorcy Busse
personally appeared before me, the undersigned notary.
After being sworn, the Applicant stated that the Applicant is
qualified to make this oath, that the Applicant has read the
foregoing Application and Affidavit, that the Applicant has
personal knowledge of the facts asserted, and the facts
asserted are true and to the best of the Applicant's knowledge
and belief. Subscribed and sworn before me on 9/14/24

Applicant signs here

Notary Public in and for the State of Texas

My Commission expires:

Jan 14, 2028



**NOTICE: THIS
DOCUMENT CONTAINS
SENSITIVE DATA**

DECLARATION

County of Wise

State of Texas

My name is DARCY ANNE GUSSE
(First Middle Last)

my date of birth is 5/14/1971, and my address is
157 COUNTY RD 1380 AWOOLD TX 76225 WISE
(Street) (City) (State) (Zip Code) (Country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in WISE County, State of TEXAS

17th day of September (Month) 2024 (Year).

Darcy Gusse (Declarant Signature).

1. My relationship with Respondent is: EX GIRLFRIEND

2. Describe the most **recent time** the Respondent hurt or threatened to hurt you, including any conduct involving sexual assault, stalking, or trafficking:

CURRENTLY STALKS ME ON CAMERAS ON MY PROPERTY
THIS SUMMER THREATENING TO BURY ME AND DESTROY
ME FINANCIALLY
AIMED HIGH POWERED RIFLE AT MY CAMPER I BELIEVE
LAST SUMMER (PHOTOS)

a. In what county did this happen? WISE

b. On what date did this happen? / /

c. Was a weapon involved? ☒ Yes ☐ No If yes, what kind?

d. Does Respondent possess or have access to firearms? ☒ Yes ☐ No

e. Were any of the children present? ☐ Yes ☒ No If yes, who?

f. Did anyone call the police? ☐ Yes ☒ No If yes, what happened?

g. Were you injured? ☐ Yes ☒ No If yes, describe your injuries:

h. Did you seek medical care? ☐ Yes ☒ No

3. Has the Respondent threatened or hurt you **before**? ☒ Yes ☐ No

If so, describe below how the Respondent threatened or hurt you, including date(s) if possible.

CURRENTLY STALKS ON CAMERAS ON MY PROPERTY
THIS SUMMER THREATENING TO BURY ME AND DESTROY
ME FINANCIALLY
AIMED HIGH POWERED RIFLE AT MY CAMPER I BELIEVE
LAST SUMMER (PHOTOS)

- a. Were weapons ever involved? ☒ Yes ☐ No If yes, what kind?

RIFLE

- b. Were the children present? ☐ Yes ☒ No If yes, who?

- c. Did anyone report the conduct to the police? ☐ Yes ☒ No

- d. Were you injured? ☐ Yes ☒ No If yes, describe your injuries:

- e. Did you seek medical care? ☐ Yes ☒ No

4. Has the Respondent ever been convicted of family violence? ☐ Yes ☒ No

If yes, list when and in which county and state the conviction(s) occurred:

5. Has the Respondent ever been convicted or placed on deferred adjudication community supervision for any of the following:

Trafficking of Persons	☐ Yes	☒ No	☐ Unknown
Continuous Trafficking of Persons	☐ Yes	☒ No	☐ Unknown
Sexual Assault	☐ Yes	☒ No	☐ Unknown
Indecent Assault	☐ Yes	☒ No	☐ Unknown
Aggravated Sexual Assault	☐ Yes	☒ No	☐ Unknown
Stalking	☐ Yes	☒ No	☐ Unknown
Compelling Prostitution	☐ Yes	☒ No	☐ Unknown

If yes, list when and in which county and state the conviction(s) occurred:

6. Are you requesting exclusive possession of a residence and to have the Respondent excluded from the residence? ☒ Yes ☐ No 157 COUNTY ROAD 1380, ALVORD TX 76225
- a. What is the location of the residence? ~~1570~~ 1629 HUBBARD ST, ALVORD, TX 76225
- b. Do you currently reside at the residence or have resided there within the last 30 days?
☒ Yes ☐ No
- c. Please describe the facts and circumstances that require the Respondent to be excluded from the residence:
STALKING ME ON MY PROPERTY, LOCKING ME OUT OF MY
PROPERTY, HARRASSING ME ON MY PROPERTY, PROPERTY
DAMAGE, THREATENING ARSON, SHOOTING AT MY DOGS



Day Green

Applicant signs here

Darcy Gusse

§
§
§
§
§

IN THE

County

COURT

VS.

Christopher McCarthy

OF

Law #2 Wise

COUNTY, TEXAS

AMENDED Temporary Ex Parte Order

Go to the court hearing on: October 8, 2024 at 1:00 P.M.

Court Address: 1007 13th Street, Bridgeport, Tx 76426.

FILED

8:25 A.M.

September 25, 2024

LOUCRECIA BIGGERSTAFF
DISTRICT CLERK-WISE COUNTY, TX
BY Janet Huffman DEPUTY

1. APPLICANT

*Name:

Darcy Gusse

*County of Residence:

Wise

2. RESPONDENT (INCLUDES OFFENDERS) / ORDER ISSUED AGAINST

*Name:

Christopher McCarthy

*County of Residence:

Wise

3. AND / OR ON BEHALF OF MINOR FAMILY MEMBERS / PROTECTED PERSON(S)

(Provide the name for each minor added)

*Name:

*Name:

*Name:

*Name:

4. AND / OR BEHALF OF OTHER (PROTECTED PERSON(S))

(Provide the name for each person added)

*Name:

*Name:

*Name:

*Name:

On this day, the Court considered the Applicant's application for a temporary ex parte order filed pursuant to Title 4, Family Code, and/or Chapter 7B, Code of Criminal Procedure.

I. FINDINGS AND ORDERS

(Mark one)

After considering the application and any testimony of the Applicant or other protected persons, if required, the Court:

- (A) ☒ **FINDS** that there is a clear and present danger of family violence, as defined by Section 71.004, Family Code. **THEREFORE**, the Court grants the application and issues this Temporary Ex Parte Order. No bond is required.

- (B) ☐ **FINDS** that there is a clear and present danger of sexual assault or abuse, indecent assault, stalking, trafficking, or other harm to Applicant. **THEREFORE**, the Court grants the application and issues this Temporary Ex Parte Order. No bond is required.
- (C) ☐ **FINDS** that there is a clear and present danger of sexual assault or abuse or other harm to the Applicant, in light of the military protective order issued to the Applicant because the Applicant is a reported victim of sexual assault, indecent assault, or aggravated sexual assault. **THEREFORE**, the Court grants the application and issues this Temporary Ex Parte Order. No bond is required.

II. RELATIONSHIP OF PARTIES

The Court **FINDS** that the Applicant and the Respondent are related in the following manner:
(Mark all that apply)

- | | |
|--|--|
| ☐ No relationship | ☐ Parent-child relationship |
| ☐ Current or former spouses | ☐ Foster parent - foster child relationship |
| ☒ Current or former dating partners | ☐ Applicant is dating or married to Respondent's current or former spouse or dating partner |
| ☐ Are or were members of the same family or household | |
| ☐ Parents of the same child(ren) | |
| ☐ Relatives | |

III. CONDITIONS AND TERMS OF ORDER

(Mark all conditions and terms that apply)

The Court **FINDS** that the following conditions and terms are necessary or appropriate to prevent or reduce the likelihood of family violence and/or future harm to the Applicant, members of the Applicant's family or household, and other protected persons. **THEREFORE**, the Court **ORDERS** the Respondent to obey the conditions and terms marked below. **The Respondent must:**

- (A) ☒ **NOT** commit further acts of family violence, as defined in Section 71.004, Family Code, against a person protected by this Order or a member of the family or household of a person protected by this Order (including acts intended to result in physical harm, bodily injury, assault or sexual assault, or threats reasonably placing a person in fear of physical harm, bodily injury, assault or sexual assault). (TCIC Form PCO-01)
- (B) ☒ **NOT** communicate in any manner with a person protected by this Order or a member of the family or household of a person protected by this Order, except through a protected person's attorney or a person appointed by the Court. The name of the attorney or person appointed by the Court is: Attorney Matthew Gipson The Court **FINDS** that good cause exists to prohibit direct communication from the Respondent. (TCIC Form PCO-08)
- (C) ☒ **NOT** communicate in a threatening or harassing manner, directly or indirectly, with a person protected by this Order or a member of the family or household of a person protected by this Order. (TCIC Form PCO-05)
- (D) ☒ **NOT** communicate a threat through any person to a person protected by this Order or a member of the family or household of a person protected by this Order. (TCIC Form PCO-05)
- (E) ☒ **NOT** go to or within 150 yards of the residence or place of employment or business of a person protected by this Order or a member of the family or household of a person protected by this Order. (TCIC Form PCO-04) The addresses and telephone numbers of the prohibited locations are: (Mark one)
- ☐ **CONFIDENTIAL BY ORDER OF THIS COURT.** The Court **ORDERS** the clerk to strike the addresses and telephone numbers, if provided, from the public records of the Court and maintain a confidential record of the information for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Texas

Department of Public Safety.

☐ **DISCLOSED AS FOLLOWS:** *(Enter the addresses below)*

Residence: _____

Place of Employment/Business: _____ ;

(F) ☐ **NOT** go to or within _____ yards of the child-care facility or school of a person protected by this Order. (TCIC Form PCO-04) The addresses and telephone numbers of the prohibited locations are:
(Mark one)

☐ **CONFIDENTIAL BY ORDER OF THIS COURT.** The Court **ORDERS** the clerk to strike the addresses and telephone numbers, if provided, from the public records of the Court and maintain a confidential record of the information for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

☐ **DISCLOSED AS FOLLOWS:** *(Enter the addresses below)*

Child-care facility: _____

School: _____ ;

(G) ☒ **NOT** go within 150 yards of a person protected by this Order or a member of the family or household of a person protected by this Order, except as authorized by this Order. (TCIC Form PCO-08)

(H) ☒ **NOT** engage in conduct that is directed specifically toward and reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass a person protected by this Order or a member of the family or household of a person protected by this Order, including following or causing another person to follow the person protected by this Order. (TCIC Form PCO-01)

(I) ☒ **NOT** take, harm, threaten, or interfere with the care, custody, or control of the following pet or companion or assistance animal: 8 horses and 4 dogs located on the real property
(TCIC Form PCO-08). *(Enter the name or description of the pet or animal)*

(J) ☒ **NOT** transfer, encumber, or otherwise dispose of property mutually owned or leased by the parties, except when done so in the ordinary course of business. (TCIC Form PCO-08)

(K) ☒ **NOT** track or monitor the personal property or motor vehicle in the possession of a person protected by this Order or a member of the family or household of a person protected by this Order, without the person's effective consent, including not tracking or monitoring the person with a tracking device or application, or by physically following the person. (TCIC Form PCO-01)

(L) ☒ **NOT** possess a firearm or ammunition, unless the Respondent is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision. (TCIC Form PCO-07)

(M) ☐ **NOT** close, limit access to, or otherwise tamper with the telephone service account associated with the following mobile numbers and their associated mobile devices until this Court determines the primary user of the mobile numbers and associated devices. (TCIC Form PCO-08)

_____	☐ my phone number	☐ child's phone number
_____	☐ my phone number	☐ child's phone number
_____	☐ my phone number	☐ child's phone number

(A sheet may be attached with additional numbers)

The Court **ORDERS** the clerk to remove from the public records of the Court the telephone numbers of persons protected by this Order.

IV. RESPONDENT'S EXCLUSION FROM RESIDENCE
(Mark the box if ordering the Respondent to vacate the residence)

☒ After considering the Applicant's sworn affidavit or declaration and in person testimony, the Court **FINDS** that the Applicant currently resides at the residence referenced below, or resided there within 30 days prior to filing the application for a protective order, and that the Respondent committed family violence against a member of the household within 30 days prior to the filing of the application. The Court further **FINDS** that there is a clear and present danger that the Respondent is likely to commit family violence against a member of the household. **THEREFORE**, effective immediately, the Respondent is **ORDERED** to vacate the residence located at:

157 CR 1380, Alvord, Texas and 1629 Hubbard, Alvord, Texas

and to return one time under the escort of law enforcement to retrieve the Respondent's necessary personal property. The Applicant is granted exclusive use and possession of the residence until further Order of this Court. (TCIC Form POC-03)

The Respondent shall not interfere with the Applicant's use of the residence, including, but not limited to, disconnecting the utilities or telephone service or causing such services to be disconnected. (TCIC Form POC-08)

V. ORDER REGARDING LAW ENFORCEMENT ASSISTANCE

If this Order excludes the Respondent from the residence, the Court **ORDERS** the Sheriff, Constable, or Chief of Police to provide a law enforcement officer to:

- (1) Accompany the Applicant or the person granted possession of the residence to the residence identified above.
- (2) Inform the Respondent that the Court has ordered the Respondent excluded from the residence.
- (3) Protect the Applicant or person granted possession of the residence while the Applicant or person takes possession of the residence.
- (4) Protect the Applicant or person granted possession of the residence while the Applicant or person takes possession of his or her necessary personal property, if the Respondent refuses to vacate the residence.

VI. COSTS

The Court prohibits any person or agency, including a clerk of the court, sheriff, constable, or other public official or employee, from assessing the Applicant a fee, cost, charge, or expense in connection with the filing, serving, or entering of this Protective Order. (Sec. 81.002, Family Code)

VII. ADDITIONAL / SPECIAL ORDER(S)

(Mark one)

(A) ☐ None are entered.

(B) ☒ The Court enters the following **ADDITIONAL OR SPECIAL ORDER**:

Respondent must NOT take or use Protected Person's 2017 Ford F350 (last 5 of VIN 17490);
Respondent must NOT take or use Protected Person's desktop computer.

VIII. WARNINGS

A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500.00 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH.

NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.

IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY § 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.

IF A PERSON SUBJECT TO A PROTECTIVE ORDER IS RELEASED FROM CONFINEMENT OR IMPRISONMENT FOLLOWING THE DATE THE ORDER WOULD HAVE EXPIRED, OR IF THE ORDER WOULD HAVE EXPIRED NOT LATER THAN THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS RELEASED FROM CONFINEMENT OR IMPRISONMENT, THE ORDER IS AUTOMATICALLY EXTENDED TO EXPIRE ON:

- (1) THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR IMPRISONMENT FOR A TERM OF MORE THAN FIVE YEARS; OR**
- (2) THE SECOND ANNIVERSARY OF THE DATE THE PERSON IS RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR IMPRISONMENT FOR A TERM OF FIVE YEARS OR LESS.**

A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS.

(Applies to Orders issued under Title 4, Family Code)

IF THIS ORDER IS GRANTED PURSUANT CHAPTER 7B, CODE OF CRIMINAL PROCEDURE, A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE OFFENSE IN ADDITION TO A VIOLATION OF THIS ORDER. *(Applies to Orders issued under Subchapter A, Chapter 7B, Code of Criminal Procedure)*

INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT YOU TO FEDERAL CRIMINAL PENALTIES. THIS PROTECTIVE ORDER IS ENFORCEABLE IN ALL FIFTY STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, AND U.S. TERRITORIES.

IX. WRITTEN ADMONITION ON INELIGIBILITY TO POSSESS FIREARM OR AMMUNITION

In accordance with 1 Texas Administrative Code § 176.1, the Court hereby admonishes you of the following:

- 1. You are, by entry of this Order or Judgment, ineligible under Texas law to possess a firearm or ammunition.**
- 2. Beginning now, if you possess a firearm or ammunition it could lead to charges against you. If you have questions about how long you will be ineligible to possess a firearm or ammunition, you should consult an attorney.**

3. Under Texas Penal Code § 46.01(3):
- a. "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.
 - b. "Firearm" does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by Penal Code Chapter 46 and that is (1) an antique or curio firearm manufactured before 1899 or (2) a replica of an antique or curio firearm manufactured before 1899 but only if the replica does not use rim fire or center fire ammunition.

For more information about the laws that make you ineligible to possess a firearm or ammunition, or for more information on how long your ineligibility to possess a firearm or ammunition lasts, the Court recommends you contact an attorney. For your reference, you may wish to consult the statutes listed below, which may or may not apply to your circumstances:

- Code of Criminal Procedure Article 17.295—Magistrate's Order for Emergency Protection
- Code of Criminal Procedure Article 27.14(e)(1)—Plea of Guilty or Nolo Contendere in Misdemeanor
- Code of Criminal Procedure Article 42.0131—Notice for Persons Convicted of Misdemeanors Involving Family Violence
- Penal Code § 46.02—Unlawful Carrying Weapons
- Penal Code § 46.04—Unlawful Possession of Firearm
- Penal Code § 25.07—Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case
- Family Code § 85.026—Warning on Protective Order

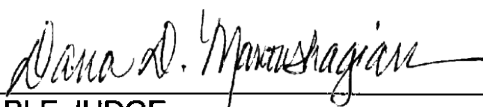
IX. CONFLICTING ORDERS

During the time this Order is valid, it prevails over any other court order entered under Title 5 (The Parent-Child Relationship and The Suit Affecting The Parent-Child Relationship) of the Family Code to the extent of any conflict between the orders.

X. DURATION OF PROTECTIVE ORDER

This Order expires on October 14, 2024 . (Duration cannot exceed 20 days)

Signed on 9/24/2024



HONORABLE JUDGE
JUDGE PRESIDING

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Matthew Gipson

Bar No. 24141519

mgipson@stevenmwilliams.com

Envelope ID: 92311457

Filing Code Description: Proposed Order

Filing Description: AMENDED TEMPORARY EX PARTE ORDER

Status as of 9/23/2024 10:34 AM CST

Associated Case Party: DARCYANNEGUSSE

Name	BarNumber	Email	TimestampSubmitted	Status
MATTHEW GIPSON		mgipson@stevenmwilliams.com	9/23/2024 8:54:15 AM	SENT
GAYLE WILLIAMS		gayle.williamsgipson@gmail.com	9/23/2024 8:54:15 AM	SENT